

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | |
| |) | |
| (1) Amie ARESTANI; |) | CRIMINAL NO. 12-CR-10027 |
| |) | |
| (2) Rudy AVALOS; and |) | |
| |) | |
| (3) Dennis R. BRADY, Jr.; |) | |
| |) | |
| Defendants. |) | |

JOINT SUBMISSION OF THE PARTIES UNDER LOCAL RULE 116.5(A)

Pursuant to Local Rule 116.5(A) and this Honorable Court's Initial Scheduling Order dated February 17, 2012, the United States, together with defendants Amie Arestani ("Arestani"), Rudy Avalos ("Avalos"), and Dennis Brady ("Brady"), jointly file this status report to advise the Court in advance of the Initial Status Conference scheduled for March 26, 2012.

I. Status of Automatic Discovery

On March 6, 2012, the United States produced to counsel for Brady and Arestani a large volume of discovery material (contained on 25 CD-ROMs) in connection with its automatic discovery obligations. The United States expects to produce certain additional discovery materials, including evidence obtained from electronic media seized from defendants at the time of arrest, additional financial records, and additional information regarding the testing of seized substances. The United States expects to produce automatic discovery to Avalos on or before March 27, 2012,

which is the deadline for the production of such materials.

There are no pending discovery requests.

II. Additional Discovery

As noted above, the United States is in the process of collecting certain additional discovery materials and expects to make a supplemental production to defendants in the next several weeks.

III. The Timing of Additional Discovery Requests

The United States has received no information concerning any anticipated discovery requests.

IV. Protective Order

On February 7, 2012, this Court issued a Protective Order authorizing the disclosure of wiretap orders, applications, affidavits, intercepted communications, and line sheets to the defendants. Counsel for Arestani and Brady have executed and returned the signature page, and the intercepted materials have been produced to them.

On March 20, 2012, the undersigned Assistant U.S. Attorney faxed and e-mailed a copy of the Court's order to counsel for Avalos and requested the return of an executed signature page to facilitate the production of wiretap materials. Because the United States has not received a response to its request, the United States awaits the return of an executed signature page so that it may produce the wiretap materials to Avalos.

V. Pretrial Motions

Defendants Brady and Avalos have not yet determined whether they will file any pretrial motions pursuant to Fed. R. Crim. P. 12(b). Defendant Arestani does not intend to file any pretrial motions.

VI. Expert Disclosures

Should the government intend to call an expert at trial, the government will provide such discovery twenty-eight days prior to trial. Defendant will provide reciprocal discovery fourteen days prior to trial.

VII. Periods of Excludable Delay

With respect to defendants Brady and Arestani, by Order dated February 8, 2012, the Court (Hillman, U.S.M.J.) excluded the period between their arraignment on February 6, 2012 to and including the automatic discovery deadline on March 5, 2012 under the Speedy Trial Act. The United States Magistrate Judge's Order noted that the Local Rules contemplate that the Court may exclude the time through the Initial Status Conference but noted that, because the date had yet to be determined, any time beyond March 5, 2012 would be excluded by this Honorable Court. See Document No. 22. On that basis, the United States now requests that the period between March 5, 2012 to and including March 26, 2012 be excluded on the ground that the ends of justice outweigh the interests of the defendants and public in a speedy trial under the Speedy Trial Act. See 18

U.S.C. § 3161(h)(7)(A). Defendants Brady and Arestani assent to this motion.

With respect to defendant Avalos, by Order dated February 8, 2012, the Court (Hillman, U.S.M.J.) excluded the period between his arraignment on February 28, 2012 to and including the Initial Status Conference on March 26, 2012 under the Speedy Trial Act. See Document No. 28.

VIII. Scheduling Matters

Defendant Arestani intends to offer a guilty plea to the pending charge against her, and the parties request the scheduling of a Rule 11 hearing in April 2012.

Defendant Brady is in the process of evaluating the automatic discovery materials provided to him. The United States expects to produce automatic discovery materials to Avalos on or about March 27, 2012. The parties request the scheduling of a further status conference in May 2012.

The United States and defendants Brady and Avalos request that the time period between March 26, 2012 and the date of a further status conference be excluded on the ground that the defendants need time to review voluminous discovery materials, to evaluate the filing of pre-trial motions, and to explore the potential

disposition of this case short of trial. Exclusion of such time is in the interests of justice.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By: /s/ Linda M. Ricci
Linda M. Ricci
Assistant U.S. Attorney

Amie Arestani
By her attorney:

/s/ Francis T. O'Brien, Jr.
Francis T. O'Brien, Jr., Esq.

Dennis R. Brady, Jr.
By his attorney:

/s/ Steven D. DiLibero
Steven D. DiLibero, Esq.

Rudy Avalos
By his attorney:

/s/ Derege B. Demissie
Derege B. Demissie, Esq.

Dated: March 20, 2012

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Linda M. Ricci
LINDA M. RICCI
Assistant U.S. Attorney

Date: March 20, 2012